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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,947	03/14/2007	Anthony Maquet	W004 P01350-US	9537
3017 7590 09/09/2010 BARLOW, JOSEPHS & HOLMES, LTD. 101 DYER STREET 5TH FLOOR PROVIDENCE, RI 02903			EXAMINER MELLON, DAVID C	
			ART UNIT 1797	PAPER NUMBER
			MAIL DATE 09/09/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,947	<b>Applicant(s)</b> MAQUET ET AL.	
	<b>Examiner</b> DAVID C. MELLON	<b>Art Unit</b> 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,6 and 9-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20060608</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Species A-6 shown in figure 6 including claims 1 and 4-8 in the reply filed on 8/17/2010 is acknowledged. The traversal is on the ground(s) that there is unity of invention because the special technical feature is "whereby the pressure exerting means is separate from the elongate body" provides a contribution over the prior art. This is not found persuasive because as evidenced by the 102 type rejections established below, this special technical feature does not provide for an inventive step over the prior art of record.

Claim 6 is further withdrawn as being drawn to an embodiment other than that of the embodiment shown in figure 6. The embodiment of figure 6 does not provide for a rib or series of press studs connecting the resilient strip to the frame member.

2. Claims 2-3, 6, and 9-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 8/17/2010.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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**4. Claims 1, 4-5, and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claim 1, the recitation said complementary part lacks antecedent basis because there was no positive recitation requiring a complementary part. Rather the previous reference to a complementary part was just a descriptive modifier of the engagement means on the body of the edge strip member.

Regarding claim 7, the recitation "the pressure exerting means is of a similar material to the edge strip" renders the claim indefinite. The claim is indefinite because it is unknown as to what precisely would constitute a similar material. This uncertainty makes it impossible to ascertain the precise scope and metes/bounds of the claim limitation.

***Claim Rejections - 35 USC § 102***

**5.** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**6. Claims 1, 4-5, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Terpstra (USP 4,684,466).**

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Regarding claims 1, 4-5, and 7-8, Terpstra discloses in figures 1-4 a filter for a separating press (abstract/title) comprising:

A filter cloth (7)

An edge strip attached to the filter cloth having an elongate body extending therealong having means for engaging a complementary part of a frame member (8/9)

Pressure exerting means for pressing said body into said complementary part wherein the pressure exerting means is separate from the elongate body, adapted to act as a wedging member in the channel of the frame in a removable manner made of a similar material to the edge strip and has a different hardness (13 - see also C3/L29-45, also C3/L60-70).

**7. Claims 1, 4-5, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Heckl et al. (USP 4,580,623)**

Regarding claims 1, 4-5, and 7-8, Heckl discloses in figures 1-2 a snap together filter plate assembly (abstract/title) comprising:

A filter cloth (3 - filter panel)

An edge strip attached to the filter cloth having an elongate body extending therealong having means for engaging a complementary part of a frame member (8.2 as part of 18)

Pressure exerting means for pressing said body into said complementary part wherein the pressure exerting means is separate from the elongate body, adapted to act as a wedging member in the channel of the frame in a removable manner made of a

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similar material to the edge strip and has a different hardness (o-rings 11.2 in grooves 9.2 - see also C3/L47-C4/L15).

**8. Claims 1, 4-5, and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hibble (WO 2004/030790) as cited on the IDS.**

Regarding claims 1, 4-5, and 7-8, Hibble discloses in figures 8 and 10 a method and device for fixedly joining a cloth like fabric to a filter plate (abstract/title) comprising:

A filter cloth (72)

An edge strip attached to the filter cloth having an elongate body extending therealong having means for engaging a complementary part of a frame member (92/94)

Pressure exerting means for pressing said body into said complementary part wherein the pressure exerting means is separate from the elongate body, adapted to act as a wedging member in the channel of the frame in a removable manner made of a similar material to the edge strip and has a different hardness (96/98).

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID C. MELLON whose telephone number is (571)270-7074. The examiner can normally be reached on Monday through Thursday 9:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vickie Kim can be reached on (571) 272-0579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TONY G SOOHOO/  
Primary Examiner, Art Unit 1797

/D. C. M./  
Examiner, Art Unit 1797